

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS JOYCE

CIVIL ACTION

Plaintiff

No. 12-0834

v.

RICHARD DEVASTEY, et al.

Defendants

**MOTION TO DISMISS OF DEFENDANT  
FEDERAL DEPOSIT INSURANCE CORPORATION,  
AS RECEIVER FOR PROGRESS BANK OF FLORIDA**

Defendant Federal Deposit Insurance Corporation (“FDIC”) as Receiver for Progress Bank of Florida (“FDIC-R”), by counsel, moves the Court to dismiss all claims against it, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”), codified as amended in the Federal Deposit Insurance Act, 12 U.S.C. § 1821(d). In support of this motion, FDIC-R relies on the Memorandum of Law in Support of this Motion, which is submitted herewith.

s/Lisa B. Wershaw

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PA Bar I.D. Nos. 29057; 41630  
Attorneys for Defendant  
Federal Deposit Insurance Corporation, as Receiver  
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